

# UDOT Environmental Experience Capture & Transfer

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### Introduction

The purpose of this newsletter is to capture the lessons learned from specific projects and transfer that knowledge to the teams leading present and future projects.

This newsletter will be published on a monthly basis, will be e-mailed to all those who express interest, and will also be available for download via the UDOT web site. Information will be presented by UDOT Environmental Services and include comments received by local, resource center, and legal staff of FHWA. Every attempt will be made to ensure that the comments are placed in the appropriate context. If anything you read is unclear, please contact Reed Soper at 965-4159 or [rsoper@utah.gov](mailto:rsoper@utah.gov).

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## The Latest on Wetland Issues

Recently Lars Anderson and Terry Johnson met with Brooks Carter and Dennis Blinkhorn from the Army Corps of Engineers to discuss various issues and concerns. The group concluded that the meeting should be expanded to include Corps project managers and UDOT's region wetland coordinators. On April 7<sup>th</sup> UDOT and Corps staff met and outlined below are some of the topics of discussion and their resolution.

- ***Jurisdictional determination of canals or irrigation ditches:*** If a stream is fully diverted into a ditch or canal, the ditch or canal now becomes a jurisdictional water of the U.S. (The stream channel still remains jurisdictional). Any water diversion off a canal that continues to flow until it enters a Waters of the U.S. is also jurisdictional. Other canals that do not receive the entire flow of a stream or river are not jurisdictional
  - ***Status of roadside ditches:*** Roadside ditches, originally excavated in upland areas, yet subsequently have developed wetland characteristics, are not jurisdictional wetlands. Also, non-maintained ditches and clogged culverts, that have caused roadside drainage or tail water to develop wetlands, are not jurisdictional. However, if roadside ditches intercept water from a spring or stream, these waters and any associated wetlands that develop are jurisdictional.
  - ***The effect of the drought on hydrology:*** With the prolonged drought in Utah, hydrology that would be present under normal circumstances is not. When performing wetland delineations, the Corps has directed us to use a two-parameter approach (vegetation and soils) and consider the effect of drought on the third parameter of hydrology.
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- ***Jurisdiction of reservoirs:*** Even though many reservoirs around the state have not been at capacity for years, the Corps is still asserting jurisdiction to the ordinary high water mark.
- ***Resolving mitigation preference:*** Much has been discussed recently regarding the use of in-lieu fees for wetland mitigation. The Corps directed us to use whatever mitigation works best for the site. All of the possible mitigation options should be explored with the best option for the type of wetlands being impacted and the most suitable for the site being selected. Amy Defreeze (of the Corps) was given the assignment to develop a procedure for using in-lieu fees.
- ***UDOT Consultant/Corps Interaction:*** A concern was raised about UDOT consultants working directly with the Corps without UDOT representation. The group agreed that UDOT should be represented at meetings between the Corps and UDOT consultants. We were asked to provide the Corps a signed letter from our director indicating how this relationship should work. It will be provided in May.

All in attendance expressed that the meeting was very beneficial and working relationships between the two agencies were strengthened as a result. The group decided to meet twice year and use a similar format.

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## Environmental Assessments and FONSI

As you know, the purpose of an Environmental Assessment (EA) is to determine whether a project has significant impacts on the environment. An EA results in either a Finding of No Significant Impact (FONSI) or a determination that the preparation of an Environmental Impact Statement is needed. Because the UDOT can't presuppose the outcome of studies, care should be taken to not assume that a FONSI will be the result of an EA. When describing project timelines and milestones, do not use FONSI to describe when the environmental process ends. Instead state that the milestone is the document decision (i.e. the decision to issue a FONSI or prepare an EIS). Follow this guidance on Statements of Qualifications, Scopes of Work, project timelines, and documentations/communications.



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## Upcoming Events

Training: Wildlife Connectivity Workshop, May 11 & 12, 2004

Community Impact Assessment (UDOT & FHWA staff only) on June 16 & 17, 2004

Conferences: AASHTO SCOD/SCOE Annual Meeting, June 9-11, 2004 at Snowbird